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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 ***E-FILED -8/26/1***

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 TROY URIE,

10 Defendant.

Case No. C-10-04063-RMW
Related Criminal Case: CR-06-00196-RMW

ORDER REOPENING TIME TO APPEAL
DENIAL OF MOTION PURSUANT 28 U.S.C.
§ 2255

11
12 Defendant Troy Urie moves to reopen the time to appeal the order denying his motion to set
13 aside his conviction pursuant to 28 U.S.C. § 2255. He claims that although the order and judgment
14 thereon were entered on May 5, 2011, he did not receive them until July 21, 2011. He filed his
15 motion to reopen and his notice of appeal on August 4, 2011. It does appear that Urie did not
16 receive the order and judgment which were initially mailed to him. With the benefit of the mailbox
17 rule, his motion to reopen and notice of appeal appear timely. *See* Fed. R. App. Proc. 4(a)(6).
18 Therefore, his motion to reopen is granted.

19 The district court, however, denied a certificate of appealability, so Urie must obtain a
20 certificate of appealability under Fed. R. App. Proc. 22 from the court of appeals before he can
21 proceed with his appeal. *See* Rule 11(a) of the Rules Governing Section 2255 Proceedings.

22 DATED: August 26, 2010

23 

24 RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

Case Number: CV10-04063 RMW

CERTIFICATE OF SERVICE

v.

TROY URIE,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 26, 2011, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

Mailed to:

Mudiaga (Troy) Urie
A# 98 409 078
Tacoma Contract Detention Facility
1623 East J Street, Ste. 5, B1
Tacoma, Washington 98421-1615

/s/ JG

Dated: August 26, 2011

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk